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11 Attorneys for Defendant

12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 DONALD LOEBER and MARIE LOEBER by
17 and through her Successor In Interest,
18 MICHELLE LOEBER,

19 Plaintiffs,

20 v.

21 UNITED STATES OF AMERICA,

22 Defendant.

23 CASE NO. 3:21-CV-03866-LB

24 **DECLARATION OF DOUGLAS JOHNS IN
25 SUPPORT OF UNITED STATES OF
26 AMERICA'S MOTION TO DISMISS**

27 Date: July 18, 2024

28 Time: 9:30 a.m.

Courtroom: Courtroom B – 15th Floor

Honorable Laurel Beeler
United States Magistrate Judge

1 I, Douglas Johns, declare as follows:

2 1. I am an Assistant United States Attorney and represent Defendant, United States of
3 America ("Defendant"), in the above-captioned matter. I am a member in good standing of the State Bar
4 of California and the Bar of this Court. I am making this declaration in support of Defendant's Motion to
5 Dismiss. The matters stated in this declaration are true of my own knowledge. If necessary, I could, and
6 would, competently testify to them.

7 2. Attached as **Exhibit G** is a true and correct copy of Plaintiffs Donald Loeber and Marie
8 Loeber's Third Amended Complaint for Damages for Wrongful Death and Survival for case number
9 "19CV000359" that was filed in the Superior Court of California for the County of Napa on July 27,
10 2020.

11 3. Attached as **Exhibit H** is a true and correct copy of excerpts of the deposition transcript
12 for the deposition of Almon Bundy taken on January 10, 2024 and January 11, 2024.

13 4. Attached as **Exhibit I** is a true and correct copy of excerpts of the deposition transcript
14 for the deposition of Andrew Turner, Ph.D. taken on March 27, 2024.

15 5. Attached as **Exhibit J** is a true and correct copy of the Memorandum of Agreement
16 between The Pathway Home and the San Francisco VA Health Care System that Defendant produced in
17 this litigation.

18 6. Attached as **Exhibit K** is a true and correct copy of Plaintiff Donald Loeber and Marie
19 Loeber's Opposition to the State of California's Consolidated Motion for Summary Judgment or, in the
20 Alternative, Summary Adjudication for case numbers "19CV000359" and "19CV000350" that was filed
21 in the Superior Court of California for the County of Napa on January 18, 2022.

22 7. Attached as **Exhibit L** is a true and correct copy of excerpts of the deposition transcript
23 for the deposition of Mackenzie Lovie taken on February 12, 2024.

24 8. Attached as **Exhibit M** is a true and correct copy of excerpts of the deposition transcript
25 for the deposition of Ronnie Carter taken on January 18, 2024.

26 9. Attached as **Exhibit N** is a true and correct copy of excerpts of the deposition transcript
27 for the deposition of Haley Rekdahl taken on January 31, 2024.

28 **DECLARATION OF STEPHANIA GRIFFIN IN SUPPORT OF UNITED STATES OF AMERICA'S MOTION TO
DISMISS; CASE NO.: 3:21-CV-03866-LB**

10. Attached as **Exhibit O** is a true and correct copy of excerpts of Plaintiffs Donald Loeber and Marie Loeber's Separate Statement in Opposition to the State of California's Consolidated Motion for Summary Judgment or, in the Alternative, Summary Adjudication for case numbers "19CV000359" and "19CV00350" that was filed in the Superior Court of California for the County of Napa on January 18, 2022.

11. Attached as **Exhibit P** is a true and correct copy of excerpts of the deposition transcript for the deposition of Justin Markwell taken on March 15, 2024.

12. Attached as **Exhibit Q** is a true and correct copy of excerpts of the deposition transcript for the deposition of Meredith Sears, Ph.D. taken on February 6, 2024.

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed this 3rd day of June, 2024, in San Jose, California.

/s/ Douglas Johns
DOUGLAS JOHNS
Assistant United States Attorney

DECLARATION OF STEPHANIA GRIFFIN IN SUPPORT OF UNITED STATES OF AMERICA'S MOTION TO DISMISS; CASE NO : 3:21-CV-03866-LB